

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARIE NIVEN-HIMES,	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 2:20-cv-00558-JMG
	:	
THE PENNSYLVANIA HOSPITAL OF THE	:	
UNIVERSITY OF PENNSYLVANIA HEALTH	:	
SYSTEM, <i>et al.</i> ,	:	
Defendants.	:	

ORDER

AND NOW, this 15th day of November, 2021, upon consideration of Defendants' Motion for Summary Judgment (ECF No. 24), Plaintiff's Response in Opposition to Summary Judgment (ECF No. 29-1), Defendants' Reply in Support of Its Motion for Summary Judgment (ECF No. 34), and Defendants' Addendum to Motion for Summary Judgment (ECF No. 40), **IT IS HEREBY ORDERED** that Defendants' Motion for Summary Judgment (ECF No. 24), is **DENIED IN PART** and **GRANTED IN PART** as follows:

1. The Motion is **DENIED** with regard to Count I (ADEA Discrimination), Count II (ADA Discrimination), (ADA Failure to Accommodate), (ADA Hostile Work Environment), and claims related to the foregoing under the PHRA and PFPO.
2. The motion is **GRANTED** with regard to Count II (ADA Retaliation), Count III (FMLA Retaliation and FMLA Interference), and claims related to the foregoing under the PHRA and PFPO.

BY THE COURT:

/s/ John M. Gallagher

JOHN M. GALLAGHER

United States District Court Judge